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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/980,376  | 03/20/2002  | Serge Haumont        | 4925-184PUS         | 9736             |
| 7590  | 10/10/2006  |                      | EXAMINER            |                  |
| Michael C Stuart<br>Cohen Pontani Lieberman & Pavane<br>551 Fifth Avenue Suite 1210<br>New York, NY 10176 |             |                      | BEAMER, TEMICA M    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2617                |                  |

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/980,376             | HAUMONT ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Temica M. Beamer       | 2617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 9/11/2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17,19,21-60 and 77-101 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17,19,21-60 and 77-101 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17, 19, 21-60 and 77-101 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 12-17, 19, 21-23, 31-60, 77-96 and 98-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne et al (Rinne), U.S. Patent No. 6,574,473 in view of Kouno, U.S. Patent No. 6,438,378.

Regarding claims 1 and 97-99, Rinne discloses a network element (i.e., reads on radio network controller) for use in a communication network, said network element being arranged between a mobile station (i.e., or terminal) and an end element (i.e., reads on MSC), wherein connections are established between said mobile station and said end element (MSC) via said network element (col. 5, lines 35-45 and col. 8, lines 23-32, see Fig. 7), said network element comprising means for determining if the connection between said end element and said mobile station is to be released (i.e., handover from one an anchor RNC to other RNC, wherein

link between anchor RNC and old RNC is removed, hence connection between end element or MSC and mobile station is released) (col. 6, lines 4-14, col. 8, lines 23-31 and col. 10, lines 7-18, see Fig. 7). Rinne further discloses monitoring (by the mobile station) at least one parameter related to the connection between the mobile station and the end element.

Rinne, however, fails to disclose wherein the network element (RNC) monitors at least one parameter related to the connection between the mobile station and the end element.

In a similar field of endeavor, Kouno, discloses a device using selected receivers to facilitate handoff to a base station in a mobile communication system. Kouno further discloses wherein a base station controller 51 (which reads on an RNC) monitors parameters in order to determine if a handoff is needed (col. 4, lines 17-43).

At the time of invention, it would have been obvious to a person ordinary skill in the art to modify Rinne with the teachings of Kouno since, as shown in Kouno, it is well-known in the art for system controllers to monitor and determine when handoff should take place.

Regarding claim 2, the combination of Rinne and Kouno discloses a network element as claimed in 1, wherein said network element is arranged to release said connection when the determining means determines that the connection is to be released (Rinne, col. 3, lines 24-42, col. 4, lines 40-48)

Regarding claim 3, the combination of Rinne and Kouno discloses a network element as claimed in claim 2, wherein said network element is arranged to release the

connection between the network element and said mobile station (Rinne, col. 5, lines 35-45, col. 7, lines 56-67 and col. 10, lines 7-29).

Regarding claims 4-8 and 23, the combination of Rinne and Kouno discloses a network element as claimed in claims 1, 5, 6, 7 and 3, respectively, wherein said network element is arranged to send a message (and request and in response to a release command received from end element) (i.e., release bearers or handover complete) to the end element indicating that said connection has been released (Rinne, col. 10, line 44 to col. 11, line 57 and see Figs. 11 and 12).

Regarding claim 12, and 31-40, the combination of Rinne and Kouno discloses a network element as claimed in claims 1-11, respectively, wherein said at least one parameter comprises a state of said mobile station said determining means is arranged to determine if the connection is to be released based on the state of the mobile station .(Rinne, col. 10, lines 44-53).

Regarding claim 13-17, 41-60, the combination of Rinne and Kouno discloses a network element as claimed in claims 1-11, respectively, wherein said at least one parameter comprises movement of the mobile station and said determining means is arranged to determine if the connection should be released based on the movement ( and location) of said mobile station (i.e., reads on the fact that handover is determined based on location or movement of mobile station within the base station set of a radio network controller) (Rinne, col. 17, lines 19-45 and Kouno, figure 1).

Regarding claims 19, 77-93, the combination of Rinne and Kouno discloses a network element as claimed in claims 1-11, respectively, wherein said network element

is a radio network controller (Rinne, col. 5, lines 35-45) and includes an end station (i.e., reads on mobile station) and an end element (i.e., reads on base station) (Rinne, col. 5, lines 35-45).

Regarding claims 21-22, 94-96 and 100, the combination of Rinne and Kouno discloses a network element as claimed in claim 19, wherein said end element is SGSN and said network operates in accordance with the UMTS standard (Rinne, col. 2, line 65 to col. 3, line 7 and col. 15, lines 8-11).

4. Claims 9-11, 24-30 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinne in view of Blausten, U.S. Patent No. 4,443,875. Regarding claims 9-11, 24-30 and 101, Rinne discloses a network element as claimed in claims 1-8, respectively. Rinne, however, fails to explicitly disclose wherein said at least one parameter comprises an elapsed time since the last use of the connection, and said determining means determines that the connection is to be released if said monitoring means indicates that the connection has not been used for a predetermined time.

In a similar field of endeavor, Blausten discloses these limitations (col. 3, lines 24-31). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Rinne to include a elapse time for terminating a connection for handoff for the purpose of delaying the process request is the connection is not being used, hence preserving resources.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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